

International Legal Standards for The Prosecution of Juvenile Crimes

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Abstract: This article is devoted to the implementation of the institution of a plea agreement in cases of juvenile delinquency.

The article analyzes the legislation related to the introduction of the institution of a plea agreement in cases of juvenile delinquency.

Keywords: Criminal proceedings, juvenile delinquency, juvenile defendant, international standards, closed court session, principle of office work.

Introduction: The international rules for the conduct of criminal proceedings are stipulated in international documents and standards such as The Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, European Convention on Human Rights.

In addition to the above-mentioned legal documents, when courts consider criminal juvenile cases, the United Nations and United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (1985), Convention on the Rights of the Child (1989), United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (1990), Rec(2003)20 - Recommendation of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice (Adopted by the Committee of Ministers on 24 September 2003 at the 853rd meeting of the Ministers' Deputies) and other international documents takes.

International and European standards define the status of a minor who is a participant in a criminal process. In particular, The Geneva Declaration of the Rights of the Child, adopted in 1924, for the first time recognized that minors are active participants in social relations. It specifically defines the complex rights of minors in these relations, taking into account the fact that they

are not fully formed physically and mentally like adults.

The Beijing Rules, adopted on 29 November 1985, establish the Conventional status of persons under the age of eighteen. According to paragraph 8 (a) of the UN Economic and Social Council (ECOSOC) Resolution 2004/27 Guidelines on justice for child victims and witnesses of crime of 21 July 2004, "Every child is a unique and valuable human being and as such his or her individual dignity, special needs, interests and privacy should be respected and protected".

In accordance with the above, international legal norms establish minimum standards for special procedural rules on the special protection of juvenile justice. In particular, the guidelines and recommendations of the Declaration of the Rights of the Child of the United Nations General Assembly of 20 November 1959 stipulate that the physical and mental immaturity of a minor implies his right to special protection.

The Commonwealth of Independent States (CIS) Convention on Human Rights and Fundamental Freedoms, signed on May 26, 1995 recognizes the right of every minor to the special protection of his family, society and the State, in accordance with his circumstances.

In this regard, international rules and standards for the conduct of cases against minors who have committed crimes are aimed at strengthening the educational and preventive impact of justice on the defendant.

Article 14, paragraph 4, of the International Covenant on Civil and Political Rights, adopted on December 16, 1966, states that in the trial of juveniles, the age of the defendants and the desirability of assisting in their rehabilitation should be taken into account.

According to the Convention on the Rights of the Child, every juvenile who is accused of, or recognized as having infringed the criminal law has the right to be heard and to be heard in a manner conducive to the development of a sense of dignity and worth, to the strengthening of respect for human rights and fundamental freedoms of others, taking into account the juvenile's age, his or her capacity for self-restitution and the desire to be helped to take a useful place in society (Article 40.1). This international legal norm provides that any procedural action taken against a juvenile defendant must be carried out taking into account the above-mentioned rights.

According to the Beijing Rules, a special international document containing specific recommendations on the conduct of criminal cases, the justice system is aimed at ensuring that any measures of influence applied to a juvenile offender are proportionate to the individual characteristics of the person and the circumstances of the crime (paragraph 5). The presumption of innocence, the right to be informed of the accusation, the right to refuse to testify, the right to a lawyer, the right to be present at the trial, and the right to appeal to a higher court must be guaranteed at all stages of the trial (paragraph 7). When a juvenile is detained, his or her parents or guardians shall be promptly informed. The official or body shall promptly consider the issue of his or her release. Procedural relations with the juvenile shall be conducted in a manner that avoids causing him or her harm (paragraph 10). The detention of a juvenile shall be used only as a measure of last resort and for the shortest possible period (paragraph 13). There are also United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted on December 14, 1990.

The European Convention on the Exercise of Children's Rights, signed on January 25, 1996 states and clarifies the rights of a minor to be informed of the criminal proceedings against him/her, to express his/her views to the court, to be advised and to be informed of the consequences of the decisions he/she makes in the case (Article 3), and to choose his/her legal representative or defense counsel (Article 4).

The issue of preventing the negative impact and damage to the social status of minors in criminal proceedings is specifically recognized in international law. To this end, it is established that the right of persons under the age of eighteen to confidentiality of

information about them must be respected at all stages of the proceedings against them.

According to paragraphs 8.1; 8.2; 21.1; 21.2 of the Beijing Rules, the publication of any information concerning a juvenile offender is prohibited. In order to avoid unnecessary publicity that may cause harm to the young boy or girl or damage to their reputation, the right to privacy of the juvenile must be respected at all stages of the proceedings (paragraph 8.1 of the Beijing Rules). In accordance with this principle, no information that could lead to the identification of the juvenile offender should be published (paragraph 8.2 of the Beijing Rules).

The rules for the application of these requirements are set out in paragraph 21 of the Rules, which state that: Case files of juvenile offenders must be kept strictly confidential and may not be disclosed to third parties. The circle of persons authorized to access such materials must be limited to those directly involved in the case or other persons with appropriate authority. Case files of juvenile offenders should not be used in subsequent cases involving the same offender when investigating adult offenders.

Also, in the criminal procedural legislation of some foreign countries, restrictions on the principle of openness in relation to minors are allowed only at the request of the court.

Uzbek scientist B. Ismailov also emphasizes that "in the current era, improving international legal norms regarding the conduct of cases involving juvenile crimes primarily requires limiting the principle of openness of court sessions and ensuring the confidentiality of the process.

Scientist N.I. Siry stated that it is the right of a minor defendant to have a case heard in closed court, and put forward his views on the advisability of the defendant and his legal representative participating in determining the circle of persons who may attend the court session.

In our opinion, the minor himself is in need of legal protection, his legal representative does not have professional knowledge in regulating relations related to procedural proceedings, and does not know about the negative consequences of an open court session for a minor defendant in the future. Therefore, we do not agree with the scientist's opinion on determining the rights of a minor defendant or his legal representative in this regard.

Scientist S. Sahaddinov, in his scientific work, expressed the opinion that a minor may have committed a crime when his moral values have not yet been fully formed and he does not fully understand its essence. He

expressed his views that the general public's awareness of the details of the criminal case in court can have a serious negative impact on the future life of a minor, and believes that this category of cases should be conducted strictly in a closed manner.

Scientist E.B. Melnikova believes that criminal cases involving minors should be tried in closed court and that courts should be obliged to do so. In her opinion, the participation of representatives of the media in the trial should be prohibited, and only parents and representatives of institutions dealing with minors should be present at the court session.

Based on the results of theoretical analysis, it can be said that the institution of public trial of cases involving minors is aimed at protecting a person whose mental state has not yet been fully formed from the negative attitude of others towards him. Therefore, it is necessary to consider criminal cases involving minors in closed court and to clearly specify this requirement in the legal norms.

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